

Membership Balance Plan
United States Military Academy Board of Visitors

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, pursuant to 10 U.S.C. § 4355 and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the United States Military Academy Board of Visitors (“the Board”).
2. Mission/Function: Pursuant to 10 U.S.C. § 4355(e), the Board provides independent advice and recommendations to the President of the United States on matters relating to the United States Military Academy (“the Academy”), including morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and any other matters relating to the Academy that the Board decides to consider.

Pursuant to 10 U.S.C. § 4355(d), the Board shall visit the Academy annually. With the approval of the Secretary of the Army, the Board or its members may make other visits to the Academy in connection with the duties of the Board or to consult with the Superintendent of the Academy. The Board shall submit a written report to the President within 60 days after its annual visit to the Academy, to include the Board’s views and recommendations pertaining to the Academy. Any report of a visit, other than the annual visit, shall, if approved by a majority of the members of the Board, be submitted to the President within 60 days after the approval.

3. Points of View: Pursuant to 10 U.S.C. § 4355(a), the Board is constituted annually and composed of 15 members. The members shall be chosen by the individuals listed, and in the manner discussed, in paragraph five below.

Each member, based upon his or her individual and professional experiences, provides his or her best judgment on the matters before the Board, and he or she does so without representing any particular point of view and in a manner that is free from conflict of interest.

Members of the Board who are not full-time or permanent part-time Federal officers or employees will be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee (SGE) members. Board members who are full-time or permanent part-time Federal officers or employees will be appointed pursuant to 41 C.F.R. § 101-3.130(a) to serve as regular government employee (RGE) members.

4. Other Balance Factors: N/A
5. Candidate Identification Process: The Board, pursuant to 10 U.S.C. § 4355(a), is composed of the following individuals:
 - a. The Chair of the Committee on Armed Services of the Senate, or designee;
 - b. Three other members of the Senate designated by the Vice President or the President pro tempore of the Senate, two of whom are members of the Committee on Appropriations of the Senate;

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- c. The Chair of the Committee on Armed Services of the House of Representatives, or designee;
- d. Four other members of the House of Representatives designated by the Speaker of the House of Representatives, two of whom are members of the Committee on Appropriations of the House of Representatives; and
- e. Six persons designated by the President.

Pursuant to 10 U.S.C. § 4355(b) and (c), Board members designated by the President shall serve for three years each, except that any member whose term of office has expired shall continue to serve until a successor is appointed. The President shall designate two persons each year to succeed the members whose terms expire that year. If a member of the Board dies or resigns, a successor shall be designated for the unexpired portion of the term by the official who designated the member.

Following the President's appointments, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members.

- 6. Subcommittee Balance: The DoD, when necessary and consistent with the Board's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Board.

Individuals considered for appointment to any subcommittee of the Board may come from the Board itself or from new nominees, as recommended by the Secretary of the Army and based upon the subject matters under consideration. Pursuant to Secretary of Defense policy, the Secretary of the Army is authorized to administratively certify the appointment of subcommittee members if the Secretary of Defense or the Deputy Secretary of Defense has previously authorized the individual's appointment to another DoD advisory committee. If this prior authorization has not occurred, then the individual's subcommittee appointment must first be authorized by the Secretary of Defense or the Deputy Secretary of Defense and subsequently administratively certified by the Secretary of the Army. No member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service on the Board's subcommittees.

Consistent with authority delegated to DoD Sponsors, the Secretary of the Army will appoint the leadership of any appropriately approved subcommittee from among the subcommittee membership previously appointed in accordance with DoD policies and procedures and, in doing so, will determine the term of service for the Board's leadership, which will not exceed the member's approved term of service.

Subcommittee members will be appointed for a term of service of one-to-four years, subject to annual renewals, according to DoD policies and procedures. Subcommittee members, if not full-time or permanent part-time Federal officers or employees, will be appointed as experts or

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consultants pursuant to 5 U.S.C. § 3109 to serve as SGE members. Subcommittee members who are full-time or permanent part-time Federal officers or employees will serve as RGE members pursuant to 41 C.F.R. § 101-3.130(a).

7. Other: As appropriate, the Board nominees are appointed in accordance with the Office of Management and Budget's Revised Guidance on Appointment of Lobbyists to Federal Advisory Committee, Boards, and Commissions (79 FR 47482; August 13, 2014) and the rules and regulations issued by the Office of Government Ethics.
8. Date Prepared: November 16, 2016